

Agenda for Cabinet

Wednesday, 9 March 2016; 5.30pm

[Members of Cabinet](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

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Members of the public exercising their right to speak during Public Question Time will be recorded.

- 1 [Public speaking](#)
- 2 Minutes of 10 February 2016 (pages 3-18), to be signed as a true record
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#)
- 6 Confidential/exempt items – there are no items which officers recommend should be dealt with in this way.

- 7 Forward Plan for key decisions for the period 1 April 2016 to 31 July 2016 (pages 19-22)
- 8 Notes of the New Homes Bonus Panel held on 25 January 2016 (pages 23-25)
- 9 Minutes of the Overview Committee held on 26 January 2016 (pages 26-29)
- 10 Minutes of the Scrutiny Committee held on 18 February 2016 (pages 30-35)
- 11 Programme of meetings 2016/17 (pages 36-38)
To consider the draft programme of meetings for the next civic year. This programme will be referred to the Annual Meeting of the Council. Members are asked to agree to the proposed date of Wednesday 18 May 2016 for the Annual Meeting.

Part A matters for decision

- 12 **Cranbrook Place of Worship Land** (pages 39-43)
The Section 106 Legal Agreement for Cranbrook makes provision for Place of Worship Land. The site is located within the first phase of the town and following its laying out the New Community Partners are required to transfer the land to the District Council. The Diocese of Exeter and Cornerstone Church have requested that following the transfer of the land to the Council that it be transferred to the Diocese. The Place of Worship Land is in the process of being prepared in accordance with the agreed specification, this report is to consider the options for its future management and ownership.
Appendix A – Temporary Spiritual Garden Plan
- 13 **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015** (pages 44-48)
The report details the regulations that the Local Authority is required to enforce within the private rented sector.
Appendix 1 - Draft statement of principles
- 14 **Compulsory Purchase Order: exchanging inalienable land in the ownership of the National Trust with land owned by the Diocese of Exeter at the request of the Parish Council of Branscombe to provide an extension to the St Winifred's graveyard** (pages 49-50)
That Council having been consulted recommends to Cabinet the confirmation of the Compulsory Purchase Order.
- 15 **Monthly Performance reports – January 2016** (pages 51-54)
Performance information for the 2015/6 financial year for January 2016 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.
Appendix 1 - January Snapshot

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 10 February 2016

Attendance list at end of document

The meeting started at 5.30pm and ended at 9.30pm

***164 Public Speaking**

Tony Howard, spoke on agenda item 16 – West Hill Community Governance Review. Mr Howard gave apologies on behalf of Dr Margaret Hall chairman for West Hill Parish Council Campaign Group who could not attend the meeting. The Governance review was well received by the Group with Ottery St Mary and West Hill both gaining from this. West Hill would be empowered to control its parish's growth. The financial reserves should be pro rata based on the number of council tax payers from each community.

Cllr Jo Talbot spoke on agenda item 16 – West Hill Community Governance Review. As a founder member of West Hill Parish Council Campaign Group she had voted for an independent council. She did have concerns in respect of the boundary and financial reserves. West Hill had grown over the years but without its own Parish Council. Ottery St Mary's growth should be the sole focus of Ottery St Mary Town Council.

Mayor Glyn Dobson from Ottery St Mary Town Council spoke on agenda item 16 – West Hill Community Governance Review. He agreed that West Hill should have its own parish council but stated there would be financial implications to this. Facilities such as the public toilets were provided to West Hill by Ottery St Mary Town Council, which meant the Town Council would be subsidising this provision. Mayor Dobson agreed to the suggested new boundary. He said that the name of the new parish council should be left for the new parish council to decide.

John Harding from Tipton St John spoke on agenda item 16 – West Hill Community Governance Review. Mr Harding said there had been no clear information sent to residents as to whether this was a good or bad decision. He asked that the Council provided the residents with an understanding of these effects during the next round of consultations. He accepted the proposals to the boundary change.

Councillor Paul Carter, Ward Member for Ottery St Mary Rural agreed the proposed boundary fitted well and the comments received by residents outlined where they wanted it to be.

The Chief Executive confirmed he had reviewed all comments sent in and the decision to make this new parish council would be made at the next full Council meeting later this month. He informed the meeting that funding for the new parish council would come from the council tax precept; this was the case for all parish councils.

***165 Minutes**

The minutes of the Cabinet meeting held on 6 January 2016 were confirmed and signed as a true record.

***166 Declarations**

Councillor Jill Elson – Minute 14 and Minute 22

Interest: Personal

Reason: Sits on the board of Exmouth Community College

Councillor Andrew Moulding – Minute 11
Interest: Personal
Reason: Son has used the Handy Person Scheme

Councillor Phil Twiss– Minute 19
Interest: Personal
Reason: Runs an IT business but not involved with BT

Councillor Eileen Wragg – Minute 20
Interest: Personal
Reason: On Health and Wellbeing Board DCC

Councillor Paul Diviani – Minute 20
Interest: Personal
Reason: On Health and Wellbeing Board DCC

Councillor Paul Diviani – Minute 17
Interest: Personal
Reason: Sits on South West Energy and the Environment Group (SWEEG)

***167 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committees.

***168 Exclusion of the public**

There were no confidential items which officers recommended should be dealt with in this way.

***169 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 March 2016 to 30 June 2016.

***170 Seaton Regeneration Programme Board held on 3 December 2015**

Members received the action notes of the Seaton Regeneration Programme Board held on 3 December 2015.

***171 Notes of the Community Fund Panel held on 12 January 2016**

Members received the notes of the Community Fund Panel held on 12 January 2016 and supported the recommended financial support for applications received for Awliscombe Parish Hall and Kilmington Village Hall.

172 Minutes of the Joint Overview and Scrutiny held on 13 January 2016

Members received and noted the minutes of the Joint Overview and Scrutiny held on 13 January 2016 to consider the Draft Revenue and Capital Budgets 2016/17 and Service Plans.

RECOMMENDED (1) that the following be taken into account during the budget setting process (agenda item 14 refers):

1. that the Council increases the Council Tax for 2016/17 by £5 per year (equivalent to 4.1%);

2. that the draft revenue budget be recommended to Council with the following inclusion of special item bids:
 - a. Exmouth Beach Management Plan at £50k
 - b. Seaton Beach Management Plan at £50k
 - c. Seaton East of West Walk gabions at £5k
 - d. Trimble GEO 7X asset surveying tool at £8k
 - e. Exmouth Orcombe Point steps at £5k
 - f. Annis's Knob Beer Cliff works at £15k
 - g. Sidford Rugby Club rabbit fencing works at £4k
 - h. Recycling and Refuse assuming new scheme roll out to mirror success of trial experience at £172k
 - i. On site building manager at Younghayes Centre at £10k
 - j. Implications of National Living Wage – implementation of grade differentials and implications with apprentices at £18k
 - k. Additional one FTE recourse in the tree service at £27k
3. that the special item bid for the Gov Delivery - multimedia messaging system at £9k be funded from the transformation budget.
4. that the service plans be recommended to Council including a minor amendment to reporting of two performance indicators within the Growth Point Team service plan;
5. that the draft Capital budget be recommended to Council
6. **RECOMMENDATION of the Overview Committee**
That the additional post of Research and Funding Officer, at £29,588 per annum plus 25% on cost, be made to the Regeneration and Economic Development service, and the remaining elements of the bid with additional staff and purchase of additional skills for the service be further debated by Cabinet
7. **RECOMMENDATION of the Scrutiny Committee**
That the proposal of three additional staff and purchase of additional skills for the Regeneration and Economic Development service be debated further by Cabinet.

173 **Minutes of the Housing Review Board held on 14 January 2016**

Members received and noted the minutes of the Housing Review Board held on 14 January 2016.

Councillor Pauline Stott informed members that the Handy Man Scheme had been extended for six months and was free to all people over the age of 70.

The Portfolio Holder Sustainable Homes and Communities reminded members that the Council needed to sell four council houses in order to buy one new home to put on its register.

RESOLVED (1) that the following be noted:

Minute 55 – Forward Plan update (1)

Minute 61 - Garage review - progress to date

Minute 63 - Budget monitoring report

the variances identified as part of the HRA revenue and capital monitoring process up to month eight.

RESOLVED (2) that the following recommendations be agreed:

Minute 53 - Energy South West initiative

1. that the project be supported and encouraged and the benefits of the scheme be advertised to tenants.
2. that consideration of the transfer of the management of void properties to Energy South West be deferred until after the pilot has taken place and the results are available for the Board.

Minute 54 - Start time of Housing Review Board meetings

that the Housing Review Board meetings start at 2:30pm for the 2016/17 civic year.

Minute 55 – Forward Plan update (2)

that a Task and Finish Forum be established to consider the 30 year Housing Revenue Account Business Plan. Membership of the TaFF would include Councillor Stott, Pat Rous, Christine Drew, Councillor Douglas Hull, Harry Roberts and Mike Berridge.

Minute 59 - Repair timescales

that following the completion of the pilot project changes be implemented to priority repairs timescales to improve the system further.

Minute 60 - Extension to handy person scheme

that the handy person scheme be extended for a further six months until the end of August 2016.

Minute 61 - Garage review

that the disposal of three rural garage sites at Bakers Mead, Shute, Plymtree and Luppitt.

RECOMMENDED (1) that the following be taken into account during the budget setting process (agenda item 14 refers):

Minute 56 - Draft Housing Revenue Account budget 2016/17

RECOMMENDED (2) that the following be referred to Council for determination:

Minute 57 - Draft Housing Service Plan 2016/17 – for approval.

Minute 58 – that the revised Asbestos Management Plan and procedures applicable to Council homes be approved.

Minute 62 - Pets policy and leaflet – for approval.

Minute 63 - Budget monitoring report

that the Overview Committee be asked consider the strategic planning issues relating to how and where the Council should build future affordable housing.

***174 Minutes of the Recycling and Refuse Partnership Board held on 20 January 2016**

Members received and noted minutes of the Recycling and Refuse Partnership Board held on 20 January 2016

RESOLVED (1) that the following be noted:

Minute 40 – Statistical information – update report.

Minute 42 - SITA Senior Contract Manager update - performance

Minute 43 - Sustainable waste service trial (Feniton & Exmouth) – update – with thanks extended to the teams involved.

Minute 44 - Devon County Council textile contract – update

Minute 49 - Procurement of new recycling, waste collection and associated services contract – progress report

RESOLVED (2) that the following recommendation be agreed:

Minute 45 - Otter Rotters update

1. that an examination of Otter Rotters' health and safety working practices take place as a matter of urgency,
2. that further investigation of the legal status of the partnership with Otter Rotters be undertaken,
3. that officers meet again with Otter Rotters to explain the Council's concerns on the lack of auditable data provided by them,
4. that should Otter Rotters fail to provide the information required then consideration be given to the Council ceasing its support.

Minute 46 - Avoided disposal costs

that Officers pursue avoided disposal costs with Devon County Council and report back to the Board following DCC's March Cabinet meeting.

***175 Recycling and Refuse Collection Contract**

The Strategic Lead – Housing, Health & Environment and the Service Lead, Streetscene presented the report which outlined the final stages of the procurement process in respect of the contract for recycling, waste collection and associated services. Members were asked to select a contractor and a service delivery option (Lot) for the next 7+ years.

The report set out the evaluation of Best and Final Offers, including the evaluation criteria used to score the submissions under a Price/Quality 60/40% split framework. It explained how the trials in Feniton and Exmouth (the Colony) had influenced the recommendations and demonstrated that an enhanced weekly kerbside recycling collection service combined with a three-weekly residual waste collection arrangement was viable for most households. In conclusion, the report made a recommendation for an award of contract based on the Tender Evaluation Panel's scoring as set out in the report.

The Portfolio Holder Environment congratulated and thanked the Waste and Communication Teams for their hard work to getting to this final stage of the contract for recycling, waste collection and associated services. Other positive comments were the saving of £300K on such an important contract and how excellent the procurement process had been.

The recommendations of both the Overview Committee and Scrutiny Committee on 9 February 2016 were taken into account during the debate, namely:

1. that, based on the evaluation of tenders for the Recycling, Waste Collection and Associated Services contract by the Tender Evaluation Panel, Bidder A be appointed to deliver and operate the services specified in the contract and tender documents;
2. that the tender be awarded on the basis of Lot 3 (enhanced weekly kerbside recycling and a three-weekly residual collection service);
3. agree to a three month extension to the current contract to enable the contract to commence in July 2016, giving an appropriate mobilisation timeframe, with a corresponding extension of the depot lease;
4. that delegated authority be given to the Strategic Lead (Housing, Health and Environment) and Strategic Lead (Legal, Licensing and Democratic Services) to negotiate and complete the contract and depot lease extensions and new waste contract.
5. request that Devon County Council provide the information on cost per tonne for disposal of residual waste to this and other authorities in the county, in the next two months.

RESOLVED:

- 1) that based on the evaluation of tenders for the Recycling, Waste Collection and Associated Services contract the Tender Evaluation Panel recommend the appointment of Bidder A to deliver and operate the services specified in the contract and tender documents,
- 2) that the Tender Evaluation Panel also recommended that the Council award the tender on the basis of Lot 3 (enhanced weekly kerbside recycling and a three-weekly residual collection service) for the reasons stated in the report,
- 3) that delegated authority be given to the Strategic Lead (Housing Health and Environment) and Strategic Lead (Legal, Licensing and Democratic Services) to negotiate and complete the contract and depot lease extensions and also the new waste contract,
- 4) that a three month extension to the current contract be agreed to enable the contract to commence in July 2016, giving an appropriate mobilisation timeframe, with a corresponding extension of the depot lease.
- 5) that Devon County Council be asked to provide the information on cost per tonne for disposal of residual waste to this and other authorities in the county, in the next two months.

REASON:

To select a suitable contractor for the collection of recycling, waste and associated services for the period 2016 – 2023, with the possibility of a further three years extension of contract.

176 **Revenue and Capital Estimates 2016/17**

The Strategic Lead – Finance informed Cabinet of the adopted draft Revenue and Capital Estimates for 2016/17 at its meeting on 6 January 2016. A meeting of the Overview and Scrutiny Committees reviewed those budgets on 13 January and the Housing Review Board considered the Housing Revenue Account budgets on 14 January.

Proposals from those meetings were detailed in the report and the minutes of those meetings were contained on the agenda. It was for Cabinet to consider those comments and proposals and to make final recommendations to Council.

As part of the Prudential Code for Capital Finance in Local Authorities, the Council was required to set prudential indicators as part of its budget setting process. These indicators were detailed in the Treasury Management Strategy 2016/17 – Minimum Revenue Provision Policy Statement and Annual Investment Strategy.

The government announced on 9 February 2016 the final 2016/17 Local Government Finance Settlement. There was one change in the final settlement which was the Council would receive an additional £0.186m in other grant funding from the Rural Services Delivery Grant and Transition Grant. Another government announcement concerned the 1% reduction for council house rents which for a one-year exemption did not include sheltered housing. The standard rent increase still applied to sheltered housing. This gave the Housing Revenue Account a revised balance of £213k.

Discussions around the new post of Economic Development Officer included the following:

- the post was not necessary, as no business case had been put forward
- the need for this new post was necessary in order to gain funding to improve the towns in the district
- the new post would allow for bid applications to be made with the research backing this
- this resource would allow for redevelopment opportunities
- over a thousand young people leave school locally each year for which work and job opportunities must be provided
- business sites need marketing
- long term outcomes could be judged by the new Officer's achievements
- work needed to be done to assess the value of the post
- the Council was run as a business therefore the business case must be proven
- fund a post of a Research and Funding Officer as a very minimum
- the Asset Management Forum to give suggestions for the new post's job specification
- The debate also included an endorsement of the view that the special item bid for Regeneration and Economic Development resources be considered at a future Budget Working Party.

RECOMMENDED:

1. that the Net Revenue General Fund Estimate of £14.265m be approved.
2. that Special Item Bids – One off Costs totalling £0.309m (identified in 2.2.1 of the report) be added to the Net Revenue General Fund Estimates (recommendation 1 above) in line with the Overview and Scrutiny Committees recommendation.
3. that Special Item Bids – Ongoing Costs (identified in 2.2.2 of the report) be added to the Net Revenue General Fund Estimates (recommendation 1 above) in line with

Overview Committee's recommendation to include £0.101m into the 2016/17 budget, which included £0.037m for the Research and Funding Officer in the Regeneration and Economic Development area, and a future debate to be held on the total bid submitted from this area.

4. that the Council Tax level be raised by £5 (4.1%) for 2016/17.
5. that the Housing Revenue Account Estimates with a net surplus of £0.213m be approved and that assuming sheltered accommodation rents were excluded from the 1% reduction the standard increase of September CPI plus 1% be applied to these properties.
6. that the Net Capital Budget totalling £18.541m be approved.

REASON:

There was a requirement for the Council to set a balanced budget for both the General Fund and Housing Revenue Account and to levy a Council Tax for 2016/17.

177 **Treasury Management Strategy 2016/17 – Minimum Revenue Provision Policy Statement and Annual Investment Strategy**

Claire Mitchell, Accountant presented the report stating the Chartered Institute of Public Finance and Accountancy (CIPFA) produce a Code of Practice for Treasury Management for Public Services. One of the main recommendations of this code was the requirement for an annual Treasury Management Strategy to be formally adopted by the Council. There was also a requirement to set prudential indicators relating to all treasury activities that the authority would undertake in the forthcoming financial year.

Two amendments were made to the report on page 101 for item 4.3 - Specified and Non-Specified Investments:

1. The reclassification of corporate bonds with a credit rating of AAA and a duration of less than one year from non-specified to specified investments.

The addition of the following:

2. The Council limits non-specified treasury investments to 10% of the value of its investment portfolio at the point of investment, with the maximum amount invested being in line with criteria.

RECOMMENDED:

that Council approve and adopt:

1. the Treasury Management Strategy including the Prudential Indicators for 2016/17;
2. the Minimum Revenue Provision Policy Statement;
3. the approach to borrowing in advance of need; and,
4. the updated list of counterparties.

REASON:

The Council was required to formally adopt a Treasury Management Strategy and set prudential indicators before the beginning of the financial year.

178 **West Hill Boundary Review**

The Chief Executive reported that at its meeting in July 2015, Cabinet agreed that a Community Governance Review be undertaken following a request from the 'West Hill Parish Council Campaign'. Following publication of the Terms of Reference and the first phase of consultation a decision was now required on whether to proceed to the second stage of the Community Governance Review. The report appends a summary of

the various views that were received and recommends the formal publication of draft proposals.

RECOMMENDED:

1. that having regard to the relevant statutory criteria and the results of the first phase of consultation, a new Parish Council be established for the area known as 'West Hill' and that the proposal be formally published with a 3 month period for representations.
2. that the proposed boundary be as set out in Appendix D to the report (reflecting comments made by local residents in the consultation).
3. that the new Parish Council be known as 'West Hill Parish Council' with a membership of 7 councillors and that no warding provisions be incorporated.

REASON:

In accordance with the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007; the principal legal framework within which councils must undertake these reviews.

179 **ESCo Energy Services**

Andy Wood, East of Exeter Projects Director gave a presentation to update members. The report recommended the formation of an Energy Service Company (ESCo) in partnership with the RD&E NHS Trust, University of Exeter, Devon County Council, Exeter City Council and Teignbridge District Council. The purpose of this was to procure a private sector partner(s) to enable investment in further District Heating Networks to connect the city centre of Exeter with the Royal Devon and Exeter hospital sites and to utilise heat from the Energy from Waste plant at Marsh Barton to serve new development at South West Exeter.

Tony Norton from the University of Exeter and Naomi Harnett, Principal Projects Manager answered members' questions. The main issue was the huge investment without much notice being given. The scheme could be accepted in the future but presently it was thought the money could be better spent. 25 years was a long time in a world where technologies were constantly changing.

RECOMMENDED:

that the Council agrees to become a shareholder of the public sector Energy Services Company (ESCo) subject to the Chief Executive, Strategic Lead (Finance), Strategic Lead (Legal, Licensing and Democratic Services) and Portfolio Holder Finance being satisfied that the legal and financial governance arrangements of the ESCo are appropriate and protect the Councils' interests.

REASON:

The proposed Energy Services Company and two district heating networks would:

1. deliver a financial return to EDDC
2. provide low carbon energy at a reduced cost to public sector partners
3. support a rate of financial return and reduced project risks such that it would, with the benefit of investment from the public sector partners, be attractive to a private sector partner.

***180 Seaton Town Hall – Asset Transfer update**

The Portfolio Holder Finance reminded members that in July 2015 Cabinet considered and agreed a report to transfer Seaton Town Hall to Seaton Town Council. Some of the details of that transfer contained in the report had now changed and although this did not alter the resolution of Cabinet, it was considered appropriate to update members on these amendments and the transfer progress.

These amendments were to the original initiative outlined to Cabinet in July but were not seen as fundamental requiring Cabinet to revisit its resolution. The variations did not directly affect this Council as the asset transfer was still to the Town Council; the variation was around the relationship between the Town Council and Seaton's Voice and improvements to the Hall:

- The Town Council was now to vacate the Town Hall and to use Marshlands, another property within Seaton, as its offices.
- The Town Council would grant Seaton's Voice a long lease to occupy the Town Hall and to continue to operate the Hall as a community facility. A lease would also to be granted by the Town Council to the Seaton Museum for its element of the building.
- Seaton Town Council would contribute to the running of the Hall in relation to landlord costs but Seaton's Voice would determine and finance improvements to the facilities; thereby not requiring the Town Council to seek consultation on obtaining a Public Works Loan.

In addition, it was agreed for this Council to support the organisations involved over the coming months leading to the transfer and where necessary and appropriate to provide professional support to facilitate the transfer. From this Council the Finance Portfolio Holder and the Chairman of the Asset Management Forum had played a vital role in facilitating the asset transfer. Councillor Marcus Hartnell had been a key contact for the Town Council. On reflection and consideration to future proposals for asset transfers, the need to give sufficient and timely support to keep projects on track must be ensured.

As of this week and with considerable effort from Councillor Marcus Hartnell aided by Councillor Peter Burrows, Seaton Town Council had agreed the Heads of Terms to this transfer. This prompt conclusion should allow the transfer to be completed by 31 March 2016.

RESOLVED:

that the current position with the transfer of Seaton Town Hall to the Town Council be noted.

REASON:

To provide an update position for members relating to the transfer of an asset to a Town Council.

***181 East Devon Broadband**

The Portfolio Holder Corporate Services updated members on a bid that had been made to Broadband Delivery UK (BDUK), part of the Department for Culture, Media and Sport. To support connectivity in the South West, the government had allocated £10m to the broadband programme from April 2016. The fund would be available for local projects to bid into.

At this stage the bid did not commit the Council, a request had been made for funding to see if this scheme would be supported by BDUK either through grant or possible investment. The outline case was for joint-venture between the Council and Broadway Partners, co-investors in East Devon Broadband to provide superfast broadband capability to as many of the 'final 10%, or 5%' of residents and businesses of East Devon, who would not be covered by the Connecting Devon & Somerset (CD&S) roll-out of superfast broadband. The 'final 10%, or 5%' of properties was an unknown figure but it was envisaged by working with BDUK and hopefully CD&S this would become clearer.

RESOLVED:

that Members were informed of the details contained in a bid made to BDUK for a scheme to improve superfast broadband coverage within the District.

REASON:

To update members

182 **Thelma Hulbert Gallery update**

The Service Lead – Countryside & Leisure informed Cabinet of the progress made by the Thelma Hulbert Gallery (THG) since its January 2015 Cabinet meeting. The report detailed progress made in securing grants and income as well as the successes made in its outreach work which provided a significant social value to the local community and the Council. He thanked Andrew Ennis, Service Lead Environmental Health and Car Parks for his help in achieving the new THG signage in the grounds and car parks.

Angela Blackwell, Gallery Curator/Manager gave a presentation on the work and achievements THG had made during 2015 to date.

Councillor John O'Leary, Arts and Culture Champion, confirmed the successful year for THG. There had been successful arts exhibitions, outreach work and delivering a core part of the Council's health and wellbeing agenda. He thanked Charlie Plowden, Angela Blackwell and their team for their hard work towards this success.

Discussions included the following:

- Great gardens with the bonus of an art gallery attached
- Weight of commercial and social value immense
- Activities needed to go further west of the district for more residents to benefit

RECOMMENDED:

that the proposed budget set for 2016/17 to enable the Thelma Hulbert Gallery to continue to achieve an improved financial performance, be agreed.

REASON:

The recent budget setting process for 2016/17 had scrutinised the recent grant awards for the THG and considered the potential for driving up its income potential. The process had also noted and incorporated the potential for income growth for 2016/17 based upon the financial performance of its shop sales, donations and sponsorship year to date. The budget was therefore set to continue to challenge the excellent progress the THG had made in reducing its overall cost to the Council by a further reduction of costs of £4,680 for 2016/17. The proposed budget for 2016/17 was £110,420 (above the recharges line it is £73,080). This equated to a further 6.02% saving on the 2015/16 budget and would

achieve a total of £20,600 operational savings to the Council since agreeing the THG Business Survival Strategy in 2014/15. This performance if achieved was a clear demonstration of the improving financial performance of the THG and the continued success of its new team in securing grants and new income streams that helped reduce the annual contribution made to its running costs.

***183 Financial Monitoring Report 2015/16 - Month 9 December 2015**

The report gave a summary of the Council's overall financial position for 2015/16 at the end of month nine (31 December 2015).

Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance would be maintained at or above the adopted level.
- There was a sufficient Capital Reserve to balance this year's capital programme.

RESOLVED:

that the variances identified as part of the Revenue and Capital Monitoring process up to month nine be acknowledged.

REASON:

To update members on the overall financial position of the Authority following the end of each month and included recommendations where corrective action was required for the remainder of the financial year.

***184 Honiton and Exmouth Pitches project – Stage 1**

Graeme Thompson, Planning Policy Officer updated Cabinet on progress in relation to the identification of sites to deliver sports pitches in Honiton and Exmouth (following on from adoption of the Playing Pitch Strategy (PPS) and related resolution by Cabinet in June 2015). He highlighted the process ahead and resource implications, and requested clarity on how Cabinet saw the implementation of any future recommendations being delivered.

Discussions included the following:

- Schools in Exmouth had no playing pitches
- Possibly create a policy for interest free loans to fund bid applications to sporting associations
- Workshops were available for all parties concerned

Members thanked Graeme for his continual hard work with this project.

RESOLVED:

1. that progress to date in identifying and discounting certain sites on feasibility grounds be noted
2. that the work programme moving forward be agreed
3. that the resource implications of continuing with this work be recognised
4. that the possibility of compulsory purchasing land for the delivery of sports pitches if no other suitable alternative exists, be agreed

REASON:

To ensure that Cabinet were up to date on the:

1. progress of this work and understood and agreed the processes in place as well as the resource implications of this work
2. to ensure that if in the future it was determined that compulsory purchase was necessary, that there had been an in-principle agreement to this approach at an early stage.

***185 Enforce sales of properties**

To seek resolutions from Cabinet to enforce the sale of five properties in the same ownership which were empty and in poor condition. Formal actions had been taken by the council in order to attempt to renovate and bring these properties back into use but engagement with the owner both informal and formal had failed. Actions in default had been carried out and costs accrued. Debts were outstanding; the Council had the formal powers to recover the debts by enforcing the sale of these properties.

Enforced sale had been identified as the most appropriate action to take regarding the five properties identified in the report. A further report would be submitted to Cabinet at a later date outlining what options the Council could consider to bring the outstanding two properties back into use.

RESOLVED:

that the five resolutions to enforce the sale of five properties in the same ownership which were empty and in poor condition be agreed.

REASON:

To confirm the resolutions for the five properties identified to enable the council to recover the outstanding debts.

***186 Seaton Jurassic update**

The report updated members on the progress with Seaton Jurassic. Information was provided on the additional funding that has been identified over the last 12 months.

Seaton Jurassic will open to the public on 26 March 2016 and expects to welcome 60,000 visitors per year.

The Deputy Chief Executive thanked Councillor Graham Godbeer in particular for the all the work he had put in to get this important visitor attraction to happen.

RESOLVED:

that the report be noted

REASON:

To acknowledge the current position with Seaton Jurassic

***187 Exemption to standing orders – SJ Kitchen and Cafe**

The report by the Senior Manager Regeneration & Economic explained the reasoning and the process of appointment of Fruition and Bartlett for the cafe and kitchen fit outs respectively at Seaton Jurassic with an exemption to the contract standing order process.

With the completion of the main build work for Seaton Jurassic and the installation of the internal and external exhibition materials well under way it was necessary to commission the fit out works for the cafe, shop and kitchen in order to ensure their timely completion.

The Project Team was advised by the project manager and employer's agents, Ward Williams Associates. The quote received from Fruition to undertake the cafe fit out works was for the sum of £87,408.79 and the final quotation from Bartlett for the kitchen & servery fit-out was for £59,359.00, bringing the total contract value of the combined works to £146,767.79.

Cafe and Shop Fit-Out.

The design works for the café and shop fit-out work were previously tendered and three quotes for the works were received. The Project Steering Group chose Fruition to carry out the works based on their experience, cost and ability to deliver the client's vision for the café. Once the design works were completed to the satisfaction of the Project Steering Group it was necessary to instruct a contractor to do the fit-out works.

Kitchen and Servery Fit-Out

The kitchen fit-out works were tendered by the main contractor Kier. Two firms responded and Bartlett was selected due to their cost, experience and local ability to provide back up. However, for programming reasons the works were not awarded through the Kier main contract. It was also significantly cheaper to award the contract to Bartlett directly.

With the purpose of respecting the delivery programme of Seaton Jurassic the Project Team identified that it would offer best value to appoint Fruition and Bartlett to undertake these works without the need for further tendering. An exemption report was therefore prepared and duly signed by the Procurement Officer and others.

RESOLVED:

that the exemption to contract standing orders be agreed for the reasons given in the report.

REASON:

The appointment of Fruition is an extension to the existing design contract for the purpose of achieving best value. Bartlett submitted the lowest of two tenders and appointing them directly was significantly cheaper than doing it through the main contractor.

***188 Monthly Performance reports – December 2015**

The Deputy Chief Executive presented the report setting out performance information for December 2015. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were three indicators that showed excellent performance:

1. Percentage of planning appeal decisions where the planning inspector had disagreed with the Council's decision
2. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
3. Creditor Days - % of invoices paid in 10 working days.

There was one performance indicator showing as concern:

1. Working days lost due to sickness absence – Sickness for December last year was 7.61 per. Based on the current outturn of 7.24 FTE days the final absence figure was projected to be 9.65 FTE days per person.

RESOLVED:

that the progress and proposed improvement action for performance measures for December 2015 be noted.

REASON:

The performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Control, Housing and Revenues and Benefits.

Attendance list

Present:

Paul Diviani Leader
Andrew Moulding Deputy Leader/Strategic Development and Partnership

Portfolio Holders:

Tom Wright Corporate Business
Iain Chubb Environment
Jill Elson Sustainable Homes and Communities
Phil Twiss Corporate Services
Ian Thomas Portfolio Holder Finance

Cabinet Members without Portfolio

Geoff Pook
Eileen Wragg

Cabinet apologies:

Philip Skinner Portfolio Holder Economy

Non-Cabinet apologies:

Matt Booth
Peter Bowden
Ian Hall
Steve Hall
Marcus Hartnell
Dawn Manley
Brenda Taylor

Also present:

Councillors:

Mike Allen
Megan Armstrong
Brian Bailey
David Barratt
Colin Brown
Paul Carter
David Chapman
Maddy Chapman
Alan Dent
John Dyson
Peter Faithfull

David Foster
Steve Gazzard
Roger Giles
Graham Godbeer
Alison Greenhalgh
John Humphreys
Geoff Jung
Bill Nash
Cherry Nicholas
John O’Leary
Helen Parr
Pauline Stott
Mark Williamson

Honorary Alderman

David Cox

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead – Finance
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead – Legal, Licensing and Democratic Services
Angela Blackwell, Gallery Curator
Andrew Hancock, Service Lead Streetscene
Naomi Harnett, Principal Projects Manager
Alison Hayward, Senior Manager - Regeneration & Economic Development
Claire Mitchell, Accountant
Tony Norton, University of Exeter
Susan Percival, Accountant
Charlie Plowden, Service Lead Countryside
Graeme Thompson, Planning Policy Officer
Andy Wood, East of Exeter Projects Director
Amanda Coombes, Democratic Services Officer

Chairman Date.....

EAST DEVON DISTRICT COUNCIL
Forward Plan of Key Decisions - For the 4 month period 1 April 2016 to 31 July 2016

This plan contains all the (i) important decisions that the Council intends to take and (ii) Key Decisions that the Council's Cabinet expects to make during the 4-month period referred to above. The plan is rolled forward every month.

Key Decisions are defined by law as “**an executive decision** which is likely :-

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area

In accordance with section 9Q of the Local Government Act 2000, in determining the meaning of “significant” in (a) and (b) above regard shall be had to any guidance for the time being issued by the Secretary of State.

A public notice period of 28 clear days is required when a Key Decision is to be taken by the Council's Cabinet even if the meeting is wholly or partly to be in private. Key Decisions and the relevant Cabinet meeting are shown in bold.

The Cabinet may only take Key Decisions in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution and the Local Authorities (Executive Arrangements)(Meetings and Access to information)(England) Regulations 2012. A minute of each key decision is published within 2 days of it having been made. This is available for public inspection on the Council's website <http://www.eastdevon.gov.uk>, and at the Council Offices, Knowle, Sidmouth, Devon. The law and the Council's constitution provide for urgent key decisions to be made without 28 clear days notice of the proposed decisions having been published. A decision notice will be published for these in exactly the same way.

This document includes notice of any matter the Council considers to be Key Decisions which, at this stage, should be considered in the private part of the meeting and the reason why. Any written representations that a particular decision should be moved to the public part of the meeting should be sent to the Democratic Services Team (address as above) as soon as possible. **Members of the public have the opportunity to speak on the relevant decision at meetings (in accordance with public speaking rules) unless shown in *italics*.**

Obtaining documents

Committee reports made available on the Council's website including those in respect of Key Decisions include links to the relevant background documents. If a printed copy of all or part of any report or document included with the report or background document is required please contact Democratic Services (address as above).

Decision		List of documents.	Lead/reporting Officer	Decision maker and proposed date for decision	Other meeting dates where the matter is to be debated / considered	Operative Date for decision (assuming, where applicable, no call-in)	Part A = Public meeting Part B = private meeting [and reasons]
1	Relocation update report		Deputy Chief Executive	Cabinet 6 April 2016		14 April 2016	Part A
2	Devolution update		Chief Executive	Cabinet 6 April 2016		14 April 2016	Part A
3	West Hill Boundary Review		Chief Executive	Council June/July 2016	Cabinet June 2016	June 2016	Part A
4	CIL Charging Schedule		Service Lead - Planning Strategy and Development Management	Extraordinary Council meeting in March		Day following extraordinary council meeting	Part A

Decision		List of documents.	Lead/reporting Officer	Decision maker and proposed date for decision	Other meeting dates where the matter is to be debated / considered	Operative Date for decision (assuming, where applicable, no call-in)	Part A = Public meeting Part B = private meeting [and reasons]
5	Cranbrook Masterplan DPD - issues & options		Service Lead - Planning Strategy and Development Management	Extraordinary Council meeting in March	Development Management Committee 8 March 2016		Part A
6	Relocation update report		Deputy Chief Executive	Cabinet June 2016		June 2016	Part A

Table showing potential future key decisions which are yet to be included in the current Forward Plan

Future Decisions	Lead / reporting Officer	Consultation and meeting dates (Committees, principal groups and organisations) To be confirmed	Operative Date for decision To be confirmed

Future Decisions		Lead / reporting Officer	Consultation and meeting dates (Committees, principal groups and organisations) To be confirmed	Operative Date for decision To be confirmed
1	Specific CIL Governance Issues	Deputy Chief Executive (RC)		
2	Business Support – options for the future	Deputy Chief Executive (RC)		
3	Thelma Hulbert Gallery - progress	Strategic Lead (Housing, Health and Environment) / Service Lead (Countryside)		

The members of the Cabinet are as follows: Cllr Paul Diviani (Leader of the Council and Chairman of the Cabinet), Cllr Andrew Moulding (Strategic Development and Partnerships Portfolio Holder), Tom Wright (Corporate Business Portfolio Holder) Cllr Phil Twiss (Corporate Services Portfolio Holder) Cllr Philip Skinner (Economy Portfolio Holder), Cllr Iain Chubb (Environment Portfolio Holder) Cllr Ian Thomas (Finance Portfolio Holder), Cllr Jill Elson (Sustainable Homes and Communities Portfolio Holder), and Cabinet Members without Portfolio - Geoff Pook and Eileen Wragg. Members of the public who wish to make any representations or comments concerning any of the key decisions referred to in this Forward Plan may do so by writing to the identified Lead Member of the Cabinet (Leader of the Council) c/o the Democratic Services Team, Council Offices, Knowle, Sidmouth, Devon, EX10 8HL. Telephone 01395 517546.

March 2016

EAST DEVON DISTRICT COUNCIL

Notes of a Meeting of the New Homes Bonus Panel held at the Knowle, Sidmouth on Monday 25 January 2016

Present: Councillors:
Thomas Wright(Chairman)
David Barratt
Douglas Hull
Geoff Jung
Andrew Moulding
Christopher Pepper

Officers: Jamie Buckley, Community Engagement and Funding Officer
Angie Hurren, Broadclyst Parish Council Clerk
Chris Lane, Democratic Services Officer

Apologies Councillors:
Mike Allen
Marcus Hartnell

Ali Eastland, Locality Development Officer, DCC

The meeting started at 2.00 pm and finished at 2.35 pm.

***10 Minutes**

The notes of the previous meeting of the New Homes Bonus Panel held on 26 November 2015 were confirmed as a true record.

***11 Documentation**

The Parishes Together Fund guidance notes and application form, circulated with the agenda were noted.

12 Future criteria of the Parishes Together Fund

The Community Engagement and Funding Officer outlined a letter received from Broadclyst Parish Council which expressed concerns at the recent changes to criteria with regard to the use of Parishes Together Fund monies for ditching and drainage works and potentially verge and hedge cutting. A Guidance Amendment had recently been issued by Devon County Council as follows:

Guidance part one, general applications:

1. Funds cannot be used directly for on-going staff costs or day to day running of a project, unless this is during a transition phase with documented evidence of how the project will become sustainable post transition.
2. Funds should not be used to support projects that are the direct responsibility of another agency
3. Funds cannot be allocated to individuals or private/for profit enterprises.
4. Funds should not be allocated retrospectively
5. Repeat funding should not be awarded unless there is a compelling business case proving transition to sustainability.
6. The TAP Fund manager/decision-makers must be satisfied that the project will benefit more than one Town or Parish.

Guidance part two, applications for ditching and drainage work:

1. Applications for ditching and drainage work will be exempt from guidance numbers 2, 5 and 6 above
2. Proposed work will need to increase frequency or be of a higher standard than that currently offered by DCC
3. Work will need to be carried out subject to the guidance available from DCC Highways

Previously the criteria had stipulated that ditch and drainage works could be funded once only, after which it must be precepted for; however the new criteria would allow repeated applications to the fund and the requirement to work in conjunction with another parish had been removed.

Broadclyst Parish Council were concerned that there was a danger parishes would now automatically look to use the Parish Together Fund for ditch/drainage works as a back stop funding source at the expense of wider projects and community initiatives. They were also concerned that parishes and towns could become dependent on Parishes Together funding to carry out ditch and drainage works, rather than finding more sustainable long term ways of solving problems.

Councillor Andrew Moulding explained that hardly any ditches and drains are the responsibility of Devon County Council; they were mainly the responsibility of landowners. Devon County Council should be contacted and asked whether there was any way they could force landowners to carry out their riparian responsibilities for ditches and drains to remove the strain from Parish Councils.

The Panel decided that parishes that chose to use their Parishes Together Fund for ditch and drainage works should continue to be allowed to do so as this was vital work for the parish.

Panel members acknowledged that parishes had the option of applying for ditches and drainage works but could always apply for other projects if they wished.

At his East Devon Tough choices meeting Councillor John Hart (Leader of Devon County Council) mentioned that the same exception as ditches and drainage could be extended to verges and hedge cutting. The Panel discussed this and decided not to extend the exceptions to verges and hedge cutting. They felt that ditches and drainage was more fundamental due to flooding issues so more worthy of being exempt from certain criteria.

Panel members acknowledged the legitimate concerns expressed by Broadclyst Parish Council and would look at the Parishes Together Fund every year to ensure it was working properly. The Panel also requested that parishes that submit successful ditches and drainage projects be told that the funding was not intended for continual use, that they may wish to precept in future years for the work and the suggestion be made that they look at more sustainable, long term solutions to the problem.

RECOMMENDED:

1. that Devon County Council be contacted to ask whether there was anything that could be done to force landowners to carry out their riparian responsibilities on ditches
2. that the Guidance Amendment from Devon County Council be accepted, subject to Town and Parish councils acknowledging that New Homes Bonus

funding for ditch/drainage work was not sustainable and that this funding was not guaranteed;

3. that the exceptions for drainage and ditch clearance should not be used for verge and hedge cutting.

*13 **Date of next meeting**

That the next meeting be held on Tuesday 22 March 2016 at 2.00pm in Room 1.

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 26 January 2016

Attendance list at end of document

The meeting started at 6.00pm and ended at 9.00pm.

***24 Chairman's introduction**

The Chairman welcomed the Committee members to the meeting

***25 Public speaking**

There were no public speakers at this point of the meeting.

***26 Minute confirmation**

The minutes of the Overview Committee held on the 17 November 2015, were confirmed as a true record. Councillor Rob Longhurst raised the issue arising from the minutes on local consultation obtained for the Exmouth Beach Management Plan.

***27 Enterprise Zone update**

Members received an update from Andy Wood, East of Exeter Projects Director, updating Committee members on progress on the Enterprise Zone.

There had been an announcement in the Chancellor's autumn statement last November that the proposed Enterprise Zone submission from the Heart of the South West Local Enterprise Partnership had been successful. This included four sites in East Devon (Skypark, Science Park, Cranbrook and Airport Business Park extension) alongside a site in Sedgemoor District.

Members noted that the Chancellor's announcement in the autumn budget did not automatically confer operational Enterprise Zone status, rather that considerable further work needed to be undertaken over the course of the next 12 months. This would be to develop a detailed business case and agree specific arrangements, not least future governance arrangements.

It was clear that the Enterprise Zone proposal had the potential to accelerate the achievement of growth objectives and to bring forward new job creation. However, it was noted that there were also potential downsides and risks that would need to be carefully understood. These would need to be considered within the context of forthcoming changes to the way in which business rate revenues relate to Local Government financing.

The Enterprise Zone had the following benefits

- potential to accelerate delivery of the largest growth area in Devon & Somerset;
- accrue benefits across a wide part of the LEP area, including the remainder of East Devon;
- capitalise on the existing initiatives and investments;
- give the ability to respond quickly to occupier demand;
- present a strong geographical, sectoral and thematic focus on a national and international stage

The next steps were a report to Cabinet, followed by development/delivery of a business plan, agreements of governance arrangements, a checkpoint regarding Business Rate

retention and agreement for site areas/incentives sought. Subject to successfully negotiating these stages the Zone could then become operational in April 2017.

During discussions, the following points and questions were raised:

- the employment sites could be marketed more forcefully;
- there were additional benefits to the District that would be brought in from the Enterprise Zone;
- how much was the Enterprise Zone dependent on the Heart of the South West Devolution? Officers advised that it was not dependent on devolution.
- how would the Enterprise Zone help with the development of small businesses in rural areas;
- was there any way of priority funding business rates for achieving a second passing loop on the Exeter/Waterloo rail line?
- how could 'M5 hopping' be reduced? Officers advised that this would be achieved through the 'Gateway' policy at the Science Park but was an area that would need to be considered further;
- have we looked at the potential for the Enterprise Zone to assist with house sales in Cranbrook? Officers advised that these two should be linked in the sense that the a strong labour market would help to underpin house sales;
- would the Enterprise Zone take jobs from the Axminster area? Officers advised that that they could not categorically advise that this wouldn't be the case but that there were measures that could be employed to help bring forward new jobs at Axminster e.g. provision of workspace;
- the local economy was not dependent on one industry and had a good range of sectors and this diversity would help with the district's resilience to any economic downturn;
- contributions from developers could significantly help with the £50m cost of the second passing loop on the South West Main Line;
- the need for a rural economic strategy to help the economy in the rural areas.

Only new buildings constructed after the start of the designation in April 2017 would qualify for the business rate incentive. Andy Wood, East of Exeter Projects Director reported that a report would be brought to the Cabinet meeting on 9 March including further details on the financial issues surrounding the Enterprise Zone.

- RESOLVED**
1. that the outcome of the Enterprise Zone application submitted by the Heart of the South West Local Enterprise Partnership confirmed as part of the Government's Autumn statement, be noted;
 2. that the additional work that will be needed to be undertaken to develop a detailed business case and defined geography before the Zone can become operational, be noted.

***28 South West Trains franchise consultation**

The Committee received a presentation from Andy Wood, East of Exeter Projects Director, on the South West Trains franchise consultation, which was expected to run from June 2017 for 7 years.

The objectives of the franchise were

- Support the economy of the franchise area with high quality services that reflected the specific requirements of the different markets;
- Increase capacity to meet demand and future growth;

- Deliver excellent experience for passengers;
- Secure whole industry efficiencies;
- Support local communities to deliver local transport integration, local regeneration and investment;
- Improve social and environmental sustainability.

Key issues for East Devon included:

- Connectivity to London;
- Travel to work – across the District;
- Travel to Learn;
- West End growth – including 2nd Cranbrook station;
- Service frequency/capacity;
- Stopping patterns;
- Links to the Airport.

Debate on the issue included:

- Importance of establishing a half hourly clock face service from Axminster to Exeter;
- priority should be the establishment of a second passing loop near Whimple and this should be emphasised to the Department for Transport;
- Importance of capacity issues on the line and provision of more modern rolling stock for the line;
- A second Cranbrook station could take even more stopping services from Feniton and Whimple stations;
- 7 years was too short a time frame for the franchise;
- Best long term solution for the line would be double track all the way to Salisbury;
- What steps could be taken to improve the resilience of the service?

Andy Wood, East of Exeter Projects Director was thanked for presentation.

RESOLVED

that the report be noted.

***29 Overview forward plan**

The Committee discussed items for the forward plan, and agreed the following topics to be scoped before further consideration on how to proceed:

RESOLVED

That the forward plan include:

9 February 2016 – additional meeting on the Refuse and Recycling contract award.

22 March 2016 – Sustainability. Update on Flood Risk Management and Shoreline Management Plan, Update on Economic Development and Draft Annual Report.

First meeting after 1 May 2016 – EDDC policy on providing Affordable/Starter Homes

Attendance list

Councillors Present:

Graham Godbeer (Vice Chairman in the Chair)

Mike Allen

Matthew Booth

Peter Faithfull

Maria Hale
Rob Longhurst
Christopher Pepper

Councillors Also Present:

Megan Armstrong
John Dyson
Roger Giles
Geoff Jung
Andrew Moulding
Phil Twiss
Tom Wright

Councillor Paul Bull from Exeter City Council

Officers

Anita Williams, Principal Solicitor
Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
Andrew Wood, East of Exeter Projects Director
Chris Lane, Democratic Services Officer

Councillor Apologies:

Peter Bowden (Chairman)
Paul Diviani
Jill Elson
Pat Graham
Ian Hall
Ben Ingham,
PaulineStott

Councillor Rosie Denham of Exeter City Council
Councillor Keith Owen of Exeter City Council
Councillor Rachel Sutton of Exeter City Council
Councillor Dennis Smith of Teignbridge District Council
Councillor Mike Haines of Teignbridge District Council
Councillor Humphrey Clemens of Teignbridge District Council
Councillor Stuart Barker of Teignbridge District Council
Councillor John Goodey of Teignbridge District Council
Councillor George Gribble of Teignbridge District Council
Councillor Silvia Russell of Teignbridge District Council
Councillor Andrew Leadbetter of Exeter City Council

Chairman Date.....

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 18 February 2016

Attendance list at end of document

The meeting started at 6pm and ended at 7.55pm.

***45 Public speaking**

Bob Spencer, who would be standing in the Police Crime Commissioner elections in May spoke of the inadequacy of the 101 service provided. He said that the system was failing year on year. Although there was a reduction in calls using 101, answering times had not improved. The issue had been reviewed by the Police Crime Panel (of which Bob Spencer and Councillor Tom Wright were members) over the last three years. Increased funding had not resolved the underlying failure of the service.

In response, the Chairman said that challenging spend of public money was a key role of the Scrutiny Committee and referred to a report from Councillor Tom Wright which drew attention to the Police Crime Panel's concerns regarding the 101 service – it had been discussed at the Committee's October meeting. The Committee would be asked to consider whether to add this issue to its forward plan and invite the Police Crime Commissioner or representative to address the Committee.

Councillor Tom Wright supported the comments made by Mr Spencer. He advised that the Forum had provided anecdotal evidence to support its concerns. A Member of the Committee said that when the Police Crime Commissioner had attended a recent meeting in Exmouth, where he had acknowledged the problem which he said would be addressed.

Condolences

The Chairman extended sincere condolences to Cherry Nicholas and Paul Diviani on their recent loss.

***46 Minutes**

The minutes of the Scrutiny Committee held on the 10 December 2015 were confirmed as a true record.

***47 Declarations of Interest**

There were no declarations of interest.

***48 Exclusion of the public**

There were no confidential items which officers recommended should be dealt with in this way.

***49 Matters called in**

There were no decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview Procedure Rules.

***50 Portfolio Holder up-date – Sustainable Homes and Communities**

The Chairman welcomed Councillor Jill Elson to the meeting and thanked her for the full and comprehensive report on her portfolio which had been included with the agenda papers. He said that the service had much to be proud of and invited Councillor Elson to address the Committee in respect of any issues that she would like to underline or add.

Councillor Elson emphasised that the achievements of the service were a team effort. The Councillor team included Pauline Stott (Chairman of the Housing Review Board), Maria Hale (Youth Champion) and David Foster (Health and Wellbeing Champion).

Councillor Elson gave a recent example of how the Councillor team had supported the Shout Event at the Beehive, which had been organised by the Community Development team. She listed other proactive activities and services, which benefited the diverse community.

During discussion and questioning, the following was raised:

- The Housing Officers who provided support in the community were dedicated staff with the skills to deal with people in difficult circumstances.
- The impact of the 1% Government imposed reduction in Council rent was explained and actions taken (lobbying the Housing Minister and securing the support of the local MPs) were outlined. The resultant loss to the Council's Business Plan meant that the Council was unable to add as many houses to its stock as it would like. The actions taken had achieved some amendment in respect of supported housing but the rent reduction remained for other Council housing tenants and those of housing associations. The campaign to influence the Government position continued.
- The average price of property in the area was too high for many to afford. Although affordable houses were being built and the Help to Buy Scheme in Cranbrook was effective, there was still a need for social housing. Sufficient permissions had been given to developers to meet housing need in the area, but they appeared to be pacing development to keep prices up for their own commercial reasons. The definition of affordable housing was a debate that often surfaced and was different across the country. A real difficulty was that the banks were asking for a high deposit, which was often outside the reach of people trying to get onto the housing ladder.
- Members acknowledged the pressure on developers for their contribution to the community infrastructure, which reduced the viability of their development.
- New housing – including in Cranbrook and Colyton – had a high insulation specification, which significantly reduced running costs.
- The report referred to the reduction in the waiting list for housing which was now below 2,900. This was monitored by the Housing Review Board.
- The Council also worked well with private landlords – the Council's Private Sector housing team was proactive in helping to make sure that accommodation was of an acceptable standard.
- There was a growing trend of converting bed and breakfast, and similar accommodation to houses in multiple-occupation. Planning permission was required for 6 individual units or more – such properties would then require inspection by the housing team to ensure that standards were maintained. The Council was in the process of converting a property to 6 individual units for people between 21 and 55 years. The work had included a high level of insulation. Each unit has en-suite facilities with a shared kitchen, laundry and lounge. This was the standard that the Council wanted all properties in multiple-occupation to achieve.
- Rough sleeping – the Council was working closely with Exeter where the problem was more acute. Councillor Elson referred to the excellent Night Stop service and efforts made to help rough sleepers.

The Strategic Lead - Housing and Environment said that although discussion had focused on housing problems, the service was highly regarded by other authorities who acknowledged the Council's housing delivery rate and its proactive work in preventing

homelessness. The increase in affordable homes had reduced the numbers on the housing waiting list. 99.8% of Council rent was collected and the tenant satisfaction record was over 90%

RESOLVED:

1. that the report be noted;
2. that the housing team be congratulated on its significant achievements;
3. that the Committee express its concerns at the failure of the Housing Minister to recognise and address the housing problems faced by EDDC as a result of the imposed reduction in housing rent.

***51 Scope for Dunkeswell and Chardstock Built-up Area Boundary (BUAB)**

Representatives of Chardstock Parish Council had previously asked members to undertake a review of the decision to include Chardstock and Dunkeswell in the list of settlements (within the Local Plan) with a BUAB. The Committee had agreed that this review would take place when the Local Plan had been adopted. The matter was now brought back for the Committee to consider the scope of the proposed review.

The Chairman and Principal Solicitor reminded Members that the review was about the process and not the decision itself or the content of the Local Plan. A draft scope had been included within the agenda papers, together with relevant support details as background, for consideration by the Committee.

Councillor Dean Barrow, Vice Chairman of the Audit and Governance Committee advised that SWAP (internal audit – South West Audit Partnership) was to undertake a 20-day review of the Local Plan process – its report would include lessons learnt. He wondered if the Scrutiny Committee’s review of the decision process in respect of Dunkeswell and Chardstock would be a duplication and suggested the Committee delay the review until the SWAP report was made available. However, the Committee felt that they were committed to undertaking the review without further delay. The scope of the review would help to ensure that mistakes were not repeated in the future; this was an important role of the Scrutiny Committee.

RESOLVED:

that the proposed review scope be agreed subject to:

- the background paper timeline including the date of the public hearing when the Inspector heard the contributions from Chardstock and Councillor Ben Ingham,
- the consultees be increased to include the former Dunkeswell ward member, Bob Buxton, Councillor Andrew Moulding (who addressed Council on the issue).

***52 Quarterly monitoring of performance – 3rd quarter 2015/16 Oct – Dec 2015**

The Committee considered the quarterly report, highlighting the following:

- a. Number of households living in temporary accommodation – the Council had access to sufficient levels of temporary accommodation that could be used in an emergency.
- b. Broadband provision needed to comply with the Council’s Community Engagement Policy. Discussions at previous meetings had emphasised the importance of recognising the needs of isolated and rural communities and of partnership working.
- c. The Asset Management Forum was currently looking at how workshop unit provision could be increased.
- d. Regeneration in priority towns had not been progressed due to team resources being used on other key projects. What was being done to address this problem? The

Vice Chairman advised that Cabinet, at its February meeting, had supported the recommendation of the Overview Committee to appoint a Research and Funding Officer in the Regeneration and Economic Development team. This recommendation would be determined by Council at its meeting on 24 February 2016 when the annual budget was agreed.

- e. Thelma Hulbert Gallery – Leisure East Devon had decided not to proceed with the Trust proposal. Cabinet had considered a presentation and report on the Gallery at its last meeting. This reflected the new approach which was to increase the commercial viability of the Gallery.
- f. New policy relating to motor homes – a copy of this policy would be forwarded to Committee members for information.
- g. Working days lost due to sickness absence – marked as concern. The Committee asked for comparative data from other authorities to be made available at a future meeting and that the Strategic Lead – Organisational Development and Transformation be invited to the meeting to present the data and answer any questions.
- h. Number of random vehicle licence checks – marked as concern. Councillor Brian Bailey, a member of the Licensing and Enforcement Committee and a hackney carriage licence holder, advised that the delays in vehicle checks were due to changes in DVLA processes and were therefore not within the control of the licensing team. The performance would continue to be monitored.
- i. Percentage of other planning applications determined within 8 weeks – marked as concern although the trend was one of improvement. The problem could be failure in the applicant not negotiating with, or seeking advice, from planning officers. It was suggested that the target for larger applications could be extended to 12 weeks. Now that the Local Plan had been adopted, it should help to accelerate the process but would need time to 'bed in'. The Development Manager to be asked about temporary staff within his service – had this increased or reduced and what were the future staffing plans.
- j. In-cab solution for the refuse and recycling fleet – achieved – Councillor Tom Wright confirmed that this portable solution was transferrable to the new contractor.
- k. Resolve penetrating dampness issues – housing – marked as concern. The Portfolio Holder - Sustainable Homes and Communities advised that most of the programme of works had been carried out but some major works were still outstanding and being progressed. The 2015/16 winter had been particularly wet resulting in problems of damp and condensation.
- l. To produce town centre and high street resilience strategies – a consultation would be carried out in the Spring in respect of a potential increase in street trading. The wording on the questionnaire needed to be well considered to avoid creating local antagonism.
- m. Undertake fire risk assessments in flats – concern. The Chairman of Housing Review Board explained that the problem was being addressed. Inspectors of the Fire Service had been unable to access some properties due to a proliferation of pot plants and mobility scooters. This problem was being addressed and monitored. The Committee felt that the officer explanation could have been clearer about the problem and the action being taken.
- n. Beach Management Plans – need a progress report.
- o. Seaton Jurassic – to be opened in Spring 2016. Need to monitor visitor numbers against projections.
- p. On-line planning. The public need good quality documents and easy access. What improvements were being made to the on-line planning service (including the search facility)? The Committee understood that town and parish councils were to be given an on-line only service – was this change to be trialled initially and, if so, when was

this going to happen?

RESOLVED:

1. that the provision of Broadband and the importance of engaging with communities be included in the Scrutiny forward plan,
2. that the new policy relating to motor homes to welcome day visitors to East Devon's towns be circulated to the Committee for their information,
3. that the Strategic Lead – Organisational Development and Transformation be invited to a future meeting of the Committee with comparative data from other authorities to outline the current position relating to working days lost due to sickness absence and actions being taken,
4. that the Development Manager be asked to advise on the number of temporary staff now within the service (whether this has increased or decreased) and future plans to improve performance in respect of determining planning applications,
5. that officers take care in preparing the wording of the questionnaire in respect of a potential increase in street trading as this was already causing local concern,
6. that officers provide the Committee with an update on the Management Plans for Seaton, Sidmouth, Exmouth and Budleigh beaches,
7. Seaton Jurassic – the Committee to monitor visitor numbers against projections,
8. Planning on-line – to invite the Economy Practice Manager to a future meeting of the Committee to address concerns raised about the service currently provided, issues around the search facility and plans to only provide town and parish councils with on-line documents on which to submit their comments.

***53 Scrutiny Forward Plan**

The proposed forward plan for Scrutiny was considered – the Overview forward plan had also been included with the agenda papers, for information.

Items were agreed for inclusion:

17 March 2016

Beach Hut update

Chardstock and Dunkeswell Strategy 27 decision debate

14 April 2016

Draft Scrutiny annual report.

Broadband provision. Consider inviting Councillor Ian Thomas (former Portfolio Holder relevant for Broadband) and Phil Twiss (current Portfolio Holder relevant for Broadband).

How we consult and engage with the public – implementation of policy

Future meetings

- Portfolio Holder updates as required
- Review of the production process of the Local Plan.
- Exmouth Sea Scouts hut – update on progress.
- Review of EDDC website – including search engine, comparison with other authorities, and how this reflects the image of the Council.
- Planning on-line – to invite the Economy Practice Manager to a future meeting of the Committee to address concerns raised about the service currently provided, issues around the search facility and plans to only provide town and parish councils with on-line documents on which to submit their comments.
- The Strategic Lead – Organisational Development and Transformation be invited to a future meeting of the Committee with comparative data from other authorities to outline the current position relating to working days lost due to sickness absence and

- actions being taken,
- Seaton Jurassic – the Committee to monitor visitor numbers against projections,
 - Police 101 service – the new Police Crime Commissioner to be invited (after May elections). To include what is expected from the service, and how it needs to be improved to gain the support and faith of the public providing information and needing help.

Attendance list

Scrutiny Members present:

Roger Giles
Alan Dent
Dean Barrow
David Chapman
Maddy Chapman
Cathy Gardner
Alison Greenhalgh
Simon Grundy
Bill Nash
Val Ranger
Marianne Rixson
Brenda Taylor

Other Members present:

Megan Armstrong
Brian Bailey
David Barratt
Jill Elson
Peter Faithfull
Ben Ingham
Geoff Jung
Pauline Stott
Tom Wright

Officers present:

Anita Williams, Principal Solicitor and Deputy Monitoring Officer
John Golding, Strategic Lead Housing and Environment
Diana Vernon, Democratic Services Manager

Scrutiny Member apologies:

Marcus Hartnell
Cherry Nicholas

Other Member apologies:

Graham Godbeer

Chairman Date.....

DATES FOR COUNCIL, CABINET & COMMITTEE MEETINGS 2016/2017

(Unless otherwise indicated meetings will normally be held at Knowle, Sidmouth. Not all meetings are open to the public and not all business at other meetings can be considered in the public part of the meeting - members of the public can be asked to leave meetings on specified grounds.

Please check the weekly newsletter 'The Knowledge' for most up to date details of forthcoming meetings.

MAY 2016

Wednesday	18	ANNUAL COUNCIL	6.30 pm
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JUNE

Thursday	9	Scrutiny Committee	6.00 pm
Tuesday	7	Development Management	10.00 am
Thursday	7	** STRATA Joint Scrutiny Committee (Knowle)	5.30 pm
Wednesday	8	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	8	Cabinet	5.30 pm
Thursday	9	Housing Review Board	2.30 pm
Wednesday	15	†† Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	21	** STRATA Joint Executive Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	22	† Licensing and Enforcement Committee	9.30 am
Wednesday	22	†† Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	28	Overview Committee	6.00 pmTBC
Wednesday	29	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	30	Asset Management Forum	9.30am
Thursday	30	Audit and Governance Committee (DO NOT MOVE)	2.30 pm

JULY

Tuesday	5	Development Management	10.00 am
Wednesday	6	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	7	Scrutiny Committee	6.00 pm
Wednesday	13	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	13	Cabinet	5.30 pm
Thursday	14	Asset Management Forum	9.30am
Tuesday	19	Standards Committee	10.00 am
Wednesday	20	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	27	†† Licensing and Enforcement Sub (if required) (Cttee Room)	9.30 am
Wednesday	27	COUNCIL	6.30 pm

AUGUST

Tuesday	2	Development Management	10.00 am
Wednesday	3	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	4	Scrutiny Committee	6.00 pm
Wednesday	10	Cabinet (if required)	5.30 pm
Wednesday	10	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	11	Asset Management Forum	9.30 am
Wednesday	17	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	24	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	24	† Licensing and Enforcement Committee	9.30 am
Wednesday	31	†† Licensing and Enforcement Sub (if required)	9.30 am

SEPTEMBER

Thursday	1	Asset Management Forum	9.30 am
Thursday	1	Scrutiny Committee	6.00pm
Tuesday	6	Development Management	10.00 am
Wednesday	7	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	8	Housing Review Board	2.30 pm
Wednesday	14	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	14	Cabinet	5.30 pm
Thursday	15	** STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm
Wednesday	21	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	22	Audit and Governance Committee	2.30 pm
Tuesday	27	** STRATA Joint Executive Committee (Civic Centre, Exeter)	5.30 pm
Tuesday	27	Overview Committee	6.00pmTBC
Wednesday	28	†† Licensing and Enforcement Sub (if required)	9.30 am

OCTOBER

Tuesday	4	Development Management	10.00 am
Wednesday	5	†† Licensing and Enforcement Sub (if required)	9.30 am
Thursday	6	Asset Management Forum	9.30 am
Thursday	6	Scrutiny Committee	6.00pm
Wednesday	12	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	12	Cabinet	5.30 pm
Tuesday	18	Standards Committee	10.00 am
Wednesday	19	†† Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	26	†† Licensing and Enforcement Sub (if required) (Cttee Room)	9.30 am
Wednesday	26	COUNCIL	6.30 pm

NOVEMBER

Tuesday	1		Development Management	10.00 am
Wednesday	2	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	3		Asset Management Forum	9.30 am
Thursday	3		Scrutiny Committee	6.00 pm
Thursday	3		Housing Review Board	2.30 pm
Wednesday	9	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	9		Cabinet	5.30 pm
Wednesday	16	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	16	†	Licensing and Enforcement Committee	9.30 am
Thursday	17		Audit and Governance Committee	2.30 pm
Wednesday	23	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	24		Scrutiny Committee	6.00 pm
Tuesday	29		Overview Committee	6.00 pmTBC
Wednesday	30	††	Licensing and Enforcement Sub (if required)	9.30 am

DECEMBER

Thursday	1	**	STRATA Joint Scrutiny Committee (Knowle, Sidmouth)	5.30 pm
Tuesday	6		Development Management	10.00 am
Wednesday	7	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	7		Cabinet	5.30 pm
Wednesday	14	**	STRATA Joint Executive (Civic Centre, Exeter)	5.30 pm
Wednesday	14	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	15		Asset Management Forum	9.30 am
Wednesday	21	††	Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	21		COUNCIL	6.30 pm

JANUARY 2017

Wednesday	4	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	5		Scrutiny Committee (if required)	6.00 pm
Thursday	5		Asset Management Forum	9.30 am
Thursday	5		Audit and Governance Committee	2.30 pm
Tuesday	10		Development Management	10.00 am
Wednesday	11		Joint Overview & Scrutiny – Service Planning & Budget	9.00 am
Wednesday	11	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	11		Cabinet	5.30 pm
Thursday	12		Housing Review Board	2.30 pm
Wednesday	18	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	24		Standards Committee	10.00 am
Wednesday	25	††	Licensing and Enforcement Sub (if required)	9.30 am

FEBRUARY

Wednesday	1	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	2		Scrutiny Committee	6.00pm
Tuesday	7		Development Management	10.00 am
Wednesday	8	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	8		Cabinet	5.30 pm
Thursday	9		Asset Management Forum	9.30 am
Wednesday	15	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	15	†	Licensing and Enforcement Committee	9.30 am
Wednesday	22	††	Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	22		COUNCIL – setting Council Tax and agreeing budgets	6.30 pm

MARCH

Wednesday	1	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	2		Audit and Governance Committee	2.30 pm
Thursday	2		Scrutiny Committee	6.00pm
Tuesday	7		Development Management	10.00 am
Wednesday	8	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	8		Cabinet	5.30 pm
Thursday	9		Asset Management Forum	9.30 am
Thursday	9		Housing Review Board	2.30 pm
Wednesday	15	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	16	**	STRATA Joint Scrutiny Committee (Civic Centre, Exeter)	5.30 pm
Tuesday	21	**	STRATA Joint Executive (Civic Centre, Exeter)	5.30 pm
Wednesday	22	††	Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	28		Overview Committee	6.00 pmTBC
Wednesday	29	††	Licensing and Enforcement Sub (if required)	9.30 am
Thursday	30		Scrutiny Committee	6.00pm

APRIL

Tuesday	4		Development Management	10.00 am
Wednesday	5	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	5		Cabinet	5.30 pm
Thursday	6		Asset Management Forum	9.30 am
Wednesday	12	††	Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	19		Licensing and Enforcement Sub (if required)	9.30 am
Tuesday	25		Standards Committee	10.00 am
Wednesday	26		Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	26		COUNCIL	6.30 pm

MAY

Tuesday	2		Development Management	10.00 am
Wednesday	3		Licensing and Enforcement Sub (if required)	9.30 am
Thursday	4		Scrutiny Committee	6.00pm
Wednesday	10		Cabinet	5.30 pm
Wednesday	10		Licensing and Enforcement Sub (if required)	9.30 am
Wednesday	17		Licensing and Enforcement Sub (if required) Cttee Room	9.30 am
Wednesday	17		Annual meeting of the Council – to be confirmed	6.30 pm

Time to be arranged

† The Licensing and Enforcement Committee includes within its functions the Licensing Act 2003, Gambling Act 2005, and all matters relating to hackney carriages and private hire.

†† Sub-Committee of the Licensing and Enforcement Committee whose functions are primarily to deal with hearings under the Licensing Act 2003 and Gambling Act 2005.

** STRATA Executive and Scrutiny meetings will be held either at the Civic Offices, Exeter or Knowle, Sidmouth – please check venue on agendas and in Knowledge.

Notes:

- Devon County Council Budget meeting time tabled for ... February 2017 (date to be confirmed)
- Meetings of the Standards Sub Committees will be arranged as required.

Report to: Cabinet
Date of Meeting: 9 March 2016
Public Document: Yes
Exemption: None



Review date for release None

Agenda item: 12

Subject: Cranbrook Place of Worship Land

Purpose of report: The Section 106 Legal Agreement for Cranbrook makes provision for Place of Worship Land. The site is located within the first phase of the town and following its laying out the New Community Partners are required to transfer the land to the District Council. The Diocese of Exeter and Cornerstone Church have requested that following the transfer of the land to the Council that it be transferred to the Diocese. The Place of Worship Land is in the process of being prepared in accordance with the agreed specification and the purpose of this report is to consider the options for its future management and ownership.

Recommendation:

- 1. On receipt of the Cranbrook Place of Worship Land from the New Community Partners that the land is transferred to the Diocese of Exeter acting on behalf of Churches Together in Devon.**
- 2. Delegate the agreement of the details of the transfer of the Place of Worship Land to the Deputy Chief Executive to include the details contained at Paragraph 6.3 of the report.**

Reason for recommendation: To support the delivery of a temporary spiritual garden at Cranbrook and to allow the Diocese of Exeter and Cornerstone Church to lead any future project to develop a permanent place of worship building on the site.

Officer: Darren Summerfield, New Community Projects Officer
dsummerfield@eastdevon.gov.uk Tel: 01395 571687

Financial implications: Assuming Cabinet agree with the recommendation it is assumed there are no financial implications for this Council to highlight.

Legal implications: The S.106 Agreement provides for the land to be transferred to EDDC with no obligations/restriction on use. On this basis the land can be transferred to the Diocese of Exeter. We would agree with the recommendations in the report with regard to an obligation to transfer back to EDDC if the land is not required in the future and with regard to the equalities and other issues raised. Legal Services Officers can work with the Deputy Chief Executive to ensure that any relevant provisions are included with the Transfer.

Equalities impact: Low Impact

An Equalities Impact Assessment has been carried out. The key findings of the assessment are outlined in the report and the full assessment

document has been included in the background information.

Risk:

Low Risk

The land in question has been identified for use as faith land. The proposal is to transfer the site to the Diocese of Exeter. The Diocese is a well established and appropriate organisation to work with the community to manage the site as a spiritual garden in the short term and to deliver a place of worship building in the longer term.

Links to background information:

- [Diocese of Exeter letter 19.12.14](#)
- [Equalities Analysis Assessment](#)

Link to Council Plan:

Living in an outstanding place

Enjoying this outstanding place

Report in full

1. Introduction

- 1.1 An area of 0.2 hectares adjacent to St Martin's Primary School and fronting Younghayes Road was secured through the Cranbrook Section 106 Legal Agreement for the provision of a place of worship. The site is currently in the ownership of the New Community Partners and until recently has been in use as a construction site compound. The legal agreement requires the owners to offer to transfer the land to the Council, once it has been laid out in accordance with Specification and to a Completion Standard. Work has commenced on preparing the site and it timely to consider its future management ahead of an offer to transfer the asset to the Council.

2. Background

- 2.1 The Council's intentions for the place of worship land were last set out in a letter dated 28 June 2012 from the then Head of Economy to Churches Together in Devon. The letter explained that the site would remain in the Council's ownership until the community decides for itself how it wants to develop the land and has raised the funds to do so. It also stated the Council would consider appropriate temporary uses for the land site and that any community consultation exercise relating to the site would be unlikely to take place until the majority of first phase of Cranbrook had been occupied.
- 2.2 Cranbrook has developed rapidly since the first occupations, with the first phase now almost completed. In addition to homes and accompanying infrastructure and facilities, this has included the ongoing development of the community itself. An element of this has been the work that has taken place facilitated by Churches Together in Devon. Churches Together in Devon is a partnership of the Church of England, the Methodist Church and the United Reform Church. The partnership has been a long term participant in the planning process for Cranbrook and appointed Cranbrook's first church minister Reverend Mark Gilborson and supported the development of Cornerstone Church in the town.
- 2.3 Officers are not aware of any current plans within the community to construct a building on the place of worship land and following a planning application from Cornerstone Church temporary approval for the use of the site as a spiritual garden for a period of 5 years was granted in December 2013, planning application reference 13/2275/MRES. A copy of the plan for the garden is included in the background information.

3. Proposal from Cornerstone Church and Churches Together in Devon

- 3.1 Following the granting of temporary planning approval Cornerstone Church and Churches Together in Devon have asked the Council to consider the permanent transfer of the site to them. From a practical and legal perspective any such transfer would be to the Diocese of Exeter. Cornerstone Church and Churches Together in Devon's vision for the site is set out in a letter from the Diocese of Exeter to the Council's Chief Executive dated 19th December 2014. A copy of the letter has been included in the background information.
- 3.2 The letter sets out that in the short term the church intend to develop the approved spiritual garden as a community facility. It is stated that the approved scheme was developed in conjunction with the community and that project received support from people across the community, including those of different faiths and those who consider themselves without faith. The spiritual garden is intended to be an open space that is accessible to all that provides a location for reflection, spirituality and occasions for community gathering. It will include a central covered area and it is suggested that this could be used for a range of activities such as christenings, wedding blessings, storytelling, musical performances, BBQs and picnics. In addition including areas of green space and wild flowers, it is also envisaged that the site could include space for temporary community vegetable gardens where various community groups could take responsibility for using the space.

3.3 The letter goes on to explain that the longer term aspirations and intentions for the site remain largely unchanged from those set out since the Diocese of Exeter began engaging in the planning process for Cranbrook. It is considered that any proposal for a building on the site should emerge from the people of Cranbrook, both those who make up Cornerstone Church and the wider community. It is further explained that the form of any such building and timing of its delivery would rest primarily with the people who live and work in the town. It is noted that a place of worship would be a substantial project involving significant capital cost. There are no provisions in the Section 106 Legal Agreement for any capital funding, with the provision limited to serviced land.

3.4 An initial view on the characteristics of a place of worship building are also outlined in the letter. This states that a building would be able to offer not only traditional church activities such as Christian worship, weddings, baptisms and funeral, but also a range of activities that would be open to and available to all residents of the community in what would be multi-purpose facilities.

4. Options for Ownership

4.1 In the short term the development of the spiritual garden has the potential to be of benefit to Cranbrook. In addition to providing an additional facility that will contribute to meeting the spiritual/faith needs of the community. It will also provide a visual enhancement to the Neighbourhood Centre, with the site in question amongst the final parts of the first phase to be completed. The spiritual garden is a community initiative and it has always been the intention for the facility to be managed and maintained by the local community. The Diocese and Cornerstone Church have confirmed that this remains the case and that it is hoped to have the garden completed and open for use by early summer 2016.

4.2 The main issue is that of the site's long term ownership and whether a permanent transfer to the Diocese is appropriate at this stage and ahead of firm proposals to construct a place of worship on the site. The key consideration for the Council is whether such a decision would be acceptable in terms of equalities impact. An Equality Analysis/Impact Assessment has been completed and the results are summarised in Section 5 of this report. A link to the full report is included in the background documents. Should the site be transferred to the Diocese then its management and ongoing maintenance would be the responsibility of that organisation.

4.3 An alternative option for ownership would be for the Council to retain the site and manage the community garden. The Council do not currently carry out any open space maintenance in Cranbrook and maintaining the spiritual garden would be the only activity of this nature that would be carried out in the town for the foreseeable future. The site would need to be serviced from the Council's Camperdown Depot and additional resources would be required in order to provide the capacity to do so. There would be budgetary implications to this and it is not currently considered to be a cost-effective option.

5. Equalities Impact Assessment

5.1 The Assessment considered available data concerning the people's religious practices from the 2011 Census and the 2013 and 2014 Cranbrook Community Questionnaires. The first source of data point to the population of the South West, East Devon and Exeter as either Christian or with no religion. A smaller proportion of census respondents did not state their religion and very small proportions were identified as being Buddhist, Muslim, Jewish, Hindu or Sikh. These results were reflected in the questionnaire results with the vast majority of respondents in both years identifying themselves as either Christian or without religion and only a very small proportion of responses from people of other religions.

5.2 The assessment also considers the potential impact of a transfer to the Diocese on Equality and Human Rights by assessing the proposal against a number of characteristics such as

age, disability, gender, race/ethnicity, religious belief and sexual orientation. This element of the assessment identified a number of short term positive impacts through the development of the spiritual garden and the development of a place of worship building in the longer term, including for children of the nearby St Martins Primary School who would be able to access the facility. It also highlighted that in an urban area as yet without a dedicated church or other place of worship, the interim use of the site as a spiritual garden will help to meet the needs of those who wish to participate in the occasional provision of services which will sometimes be of a religious character. In the longer term the provision of a place of worship building would meet the needs of part of the community.

- 5.3 The assessment does identify some potentially negative impacts. For example there is the potential, if only minimal, for some non-religious belief members of the community to be discouraged from using the spiritual garden on account of religious references contained within the design. However, these are considered unlikely to sufficiently intrusive so as to prevent use by the vast majority of members of the community. Should it be the case that they are prevented for this reason there are number of other areas of open space in Cranbrook that are not designated in this fashion so the overall availability of open spaces would not be prejudiced.
- 5.4 In the longer term it is noted that a formal church building and the provision of services within it could have equality impacts depending on the precise legal status of the building and the development of equality law in the future. In is though difficult to anticipate therefore what the impact would be. The law has changed significantly in the last 5 years and it is impossible to foresee what else will change by the time a church is built. It is possible to gain a commitment from the Diocese to meet the relevant legal requirements at all times.

6. Conclusion

- 6.1 The evidence indicates that the predominant faith of the residents of Cranbrook is Christianity and that that is also the case the wider East Devon, Exeter and South West areas, where the majority of Cranbrook's residents are likely to continue to move from. The site has been identified for use as faith land and on the basis of the available evidence, a place of worship that meets the needs of the majority of the faith community in this location is likely to be a Christian one. The Diocese of Exeter and the local church would be well placed to lead a project to develop a permanent place of worship building on the site in the future. The Diocese and Cornerstone Church have stated any proposal for a building on site, along with the details of its form and timing of delivery, should emerge from the community, both those who make up the church and more widely.
- 6.2 The Equalities Impact Assessment has identified both positive and negative impacts of the site's use as both a spiritual garden and a Christian place of worship. With regard to the identified negative impacts, where necessary it is possible to take steps to address these through the detail of the legal agreement that would accompany a transfer.
- 6.3 Subject to the provision of an appropriate legal agreement, the transfer of the place of worship land to the Diocese of Exeter is considered to be appropriate. Whilst it is recommended that authority is delegated to the Deputy Chief Executive to agree the details of this, at this stage it is suggested that these cover the need for a comprehensive consultation with the community over any future use of the land and a requirement that at no time, now or in the future shall individuals or groups be excluded from the site on grounds of any relevant characteristic, including religion, gender or sexual orientation. Finally, it is recommended that a clause be included in a transfer agreement that requires the Diocese to offer to return the site to the Council should it no longer be required for use as either a spiritual garden or a place of worship.

Report to: Cabinet
Date of Meeting: 9 March 2016
Public Document: Yes
Exemption: None
Review date for release: None



Agenda item: 13

Subject: **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

Purpose of report: To provide Cabinet with details of these regulations that the Local Authority is required to enforce within the private rented sector

Recommendation: **That Cabinet note the new regulations and agree to the statement of principles and fine levels.**

Reason for recommendation: The regulations require that the council agrees a statement of principles and fine levels.

Officer: Meryl Spencer mspencer@eastdevon.gov.uk 01395 517454 Ext 2654

Financial implications: There is no obvious additional expenditure involved in the monitoring and enforcing of the new regulations. However there may be a financial cost should a landlord decide to review or appeal a fine. The only other consideration is over the collection process of any fines that are issued.

Legal implications: The statutory framework is set out within the report. The new Regulations are a further level of requirement by all HMO landlords. The Private Sector Housing Team will be responsible for full compliance under the new regime.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: [The Smoke and Carbon Monoxide Alarm Regulations 2015](#)

Link to Council Plan: Living in this outstanding place

1. Context

- 1.1 From the 1 October 2015 private sector landlords are required to ensure that at least one smoke alarm is installed on every storey of their rented property, and that a carbon monoxide alarm is installed in any room which contains a solid fuel burning appliance.
- 1.2 They are also required to ensure that such alarms are in proper working order at the start of each new tenancy.

- 1.3 These regulations also amend the conditions which must be included in a mandatory or other licence of houses in multiple occupation under Part 2 and 3 of the Housing Act 2004.
- 1.4 These requirements are enforced by the Local Housing Authority.
- 1.5 It is a requirement of the Local Housing Authority to have a statement of principles which act as guidance and sets out how they will enforce the regulations.
- 1.6 The statement of principles sets out the approach to enforcement of the Smoke and Carbon Monoxide Alarm regulations which follows the principles of the Regulators Code and apply these in a consistent manner to impose penalties if breaches of the Regulations are identified.
- 1.7 The statement also sets out our approach to determine the amounts that may be appropriate penalties for breaches of the regulation and the factors we consider relevant when considering written representations and objections from businesses subject to proposed fines.
- 1.8 The government requires local authorities to be open and transparent regarding the civil penalty and to publish the statement of principles which they will follow when determining the amount of penalty charge. These principles must be published on the website.

2. Summary

- 2.1 The statement of principles are attached as Appendix 1
- 2.2 These principles and the fine levels are comparable with the Devon Local Authorities and other local authorities across the UK.
- 2.3 It is a regulatory requirement for the Local Authority to produce the statement of principles and advertise the fee levels before carrying out any enforcement.

3. Conclusion

- 3.1 That the statement of principles and fine levels are agreed.

Appendix 1

East Devon District Council

Private Sector Housing

Draft statement of principles

Penalty Notice Charging and Remedial Notice Policy for Smoke and Carbon Monoxide Alarm

1. Principles

1.1 The regulations require the local housing authority to publish a statement of principles that they will use to assess penalty charges and remedial notices.

1.2 Landlords renting out property on a specified tenancy are taken as running businesses and should have an appropriate level of competence to provide smoke and carbon monoxide alarms.

1.3 Penalty charges will be assessed depending on the circumstances, taking into account the risk to the occupants of the property, and the knowledge of the regulation that the relevant landlord might reasonably be expected to have.

1.5 The maximum £5,000 penalty charge will be levied where a landlord has failed to install alarms without good cause when issued with a Remedial Notice.

Reductions from the maximum penalty charge:

- 50% where the relevant landlord pays the penalty charge within 14 days of the Penalty Charge Notice being served.

1.6 Landlords have a duty to ensure that there are working smoke and carbon monoxide alarms in place at the start of each letting. Therefore it is possible for repeat offences to occur in a single property.

2. Issuing a remedial notice

2.1 If the Local Authority has 'reasonable grounds' to believe a landlord is in breach of the requirements in regulation 4, the authority must serve a remedial notice on the relevant landlord.

2.2 The remedial notice must contain the information set out in regulations 5(2). It must inform the landlord which property it relates to, the reason it is being issued and what action the landlord needs to take next.

2.3 'reasonable grounds' would include being informed by the tenant, lettings agent or housing officer that the required alarms are not installed.

2.4 The regulations do not require the enforcing authority to enter the property or prove non compliance to issue a remedial notice. This is 'intelligence led' enforcement.

3. Landlord compliance with the notice

3.1 The landlord has 28 days beginning with the day on which the remedial notice is served to comply with the notice. If the landlord can show they have taken all reasonable steps, other than legal proceedings, to comply with the notice, they will not be in breach of the duty to comply with the remedial notice in regulation 6.

3.2 If a landlord does not prove they have taken all reasonable steps, it is then up to the local authority to decide if they are in breach, by judging on a balance of probabilities.

3.3 Some examples of evidence could be dated photographs, confirmation by the tenant or installation records. This information could be provided by the local authority as a package with the remedial notice.

3.4 It is considered satisfactory, if the tenant confirms that there has been no remedial action taken. This would satisfy, on balance of probabilities that the landlord is in breach.

4. Remedial action and civil penalty

4.1 If the local authority is satisfied, on balance of probabilities, that a landlord has breached the duty to comply with the remedial notice within 28 days, the authority must arrange for remedial action to be taken, where the occupier consents.

4.2 This is to ensure that tenants are protected by working alarms and may involve installing a required alarm, repairing an installed alarm or checking an installed alarm is in proper working order. The decision on whether to install a 'hard wired' or battery operated alarm, will be carried out on a case by case basis.

4.3 The local authority can impose a civil penalty of up to £5,000 on landlords who do not comply with the remedial notice.

4.4 Where a local authority intends to impose a penalty, it must give written notice of its intention to do so – 'a penalty charge notice'. This sets out certain required information including the reasons for the penalty, the amount of the penalty, and that the landlord is required, within a specified period, to pay the penalty charge or request a review.

4.5 There is no other provision within the regulations for the enforcement authority to redeem costs for any remedial works carried out. Collection of the civil penalty fine is the only method.

5. Review

5.1 If a landlord does not agree with a penalty charge notice, they can make a request to the relevant local authority for it to be reviewed. This request must be made in writing and within the time period specified in the penalty charge notice.

5.2 If a request is received by the local authority to review the notice, they must consider the representation and decide whether to, confirm, vary or withdraw the notice, and serve a notice of its decision on the landlord.

5.3 Where the authority decides to confirm or vary a penalty charge notice, it must inform the landlord that they can appeal to First Tier Tribunal.

6. Appeals

6.1 To ensure that the enforcement process is administered fairly, landlords are provided with a means of appeal against penalties.

6.2 A landlord may appeal to the First Tier Tribunal if the penalty charge notice is confirmed or varied by the local authority after a review.

6.3 If an appeal is lodged, the penalty cannot be enforced until the appeal is disposed of. Appeals can be made on the grounds that the decision of the local authority to vary or confirm the penalty charge notice was based on a factual error, was wrong in law, or was unreasonable for any other reason. Appeals can also be made on the grounds that the amount of penalty is unreasonable.

7. Suspension/revocation of a notice

7.1 Any notice served on a landlord under the regulations may be amended, suspended, or revoked in writing at any time.

7.2 If a remedial notice is suspended and the local authority decides to re-instate this once the compliance period has run out or is shortly about to, the recommendation is that the authority acts reasonably and reissues the notice to start a new 28 day compliance period.

Report to: **Cabinet**

Date of Meeting: 9 March 2016

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 14

Subject: **Compulsory Purchase Order exchanging inalienable land in the ownership of the National Trust with land owned by the Diocese of Exeter at the request of the Parish Council of Branscombe to provide an extension to the St Winifred's graveyard.**

Confirmation of the making of a Compulsory Purchase Order in the parish of Branscombe.

Recommendation: **That Council having been consulted recommends to Cabinet the confirmation of the Compulsory Purchase Order.**

Reason for recommendation: To progress the matter so that the two parcels of land can be conveyed between the National Trust and the Diocese of Exeter.

Officer: Giles Salter, Solicitor gsalter@eastdevon.gov.uk tel: 01395 571677

Financial implications: The only cost to the Council is the Final Public Notice confirming the Compulsory Purchase Order.

Legal implications: In line with the requirements of EDDC Constitution Council is required to be consulted on the making of a CPO and its confirmation recommended to Cabinet. The confirmation of the Order is required to be published in a local newspaper and the confirmed order served on all parties with an interest in the land. The Secretary of State has powers to revoke the Order at any time.

Equalities impact: Low Impact

Risk: Low Risk

The CPO can be revoked at anytime by the Secretary of State but the Order has been reviewed by the National Planning Casework Unit.

Links to background information: [CPO St Winifred Branscombe](#)

Link to Council Plan: **Living in this outstanding place.**



Purpose of report:

1 Main Body of the Report

1. The churchyard of St Winifred's, Branscombe has two burial plots remaining before the graveyard is full. The St Winifred's Parochial Church Council in consultation with Branscombe Parish Council has been exploring the possible options for a number of years to seek an alternative burial site. The Parish Council and the Parochial Church Council requested that East Devon should assist and acquire the land by Compulsory Purchase Order in 2013.
2. This has been achieved by compulsorily purchasing an inalienable parcel of land from the National Trust and swapping it with land provided by the Diocese of Exeter.
3. The legal process has now concluded and the Council received confirmation from the National Planning Casework Unit on 14/01/2016 that this Council could confirm the CPO. The Order can be viewed at the link to this report.

Report to: Cabinet
Date of Meeting: 9 March 2016
Public Document: Yes
Exemption: None

Review date for release: None



Agenda item: 15

Subject: Monthly Performance Report January 2016

Purpose of report: Performance information for the 2015/16 financial year for January 2016 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

Recommendation: 1. That the Cabinet considers the progress and proposed improvement action for performance measures for the 2015/16 financial year for January 2016.

Reason for recommendation: This performance report highlights progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Management, Housing and Revenues and Benefits.

Officer: Karen Jenkins, Strategic Lead – Organisational Development and Transformation kjenkins@eastdevon.gov.uk ext 2762

Financial implications: There are no direct financial implications

Legal implications: There are none arising from the recommendations in this report

Equalities impact: Low Impact

Risk: Low Risk

A failure to monitor performance may result in customer complaints, poor service delivery and may compromise the Council's reputation.

Links to background information:

- [Appendix A – Monthly Performance Snapshot for January 2016](#)
- [Appendix B - The Performance Indicator Monitoring Report for the 2015/16 financial year up to January 2016](#)
- [Appendix C – System Thinking Reports for Housing, Development Management and Revenues and Benefits for January 2016](#)

Link to Council Plan: Continuously improving to be an outstanding Council

Report in full

1. Performance information is provided on a monthly basis. In summary most of the measures are showing acceptable performance.
2. There are two indicators that are showing excellent performance:
 - Percentage of planning appeal decisions where the planning inspector has disagreed with the Council's decision
 - Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
3. There are no performance indicators showing as concern.
4. Monthly Performance Snapshot for January is attached for information in [Appendix A.](#)
5. A full report showing more detail for all the performance indicators mentioned above appears in [Appendix B.](#)
6. Rolling reports/charts for Housing, Development Management and Revenues and Benefits appear in [Appendix C.](#)

Monthly Performance Snapshot – January 2016



This monthly performance snapshot shows our performance over the last month:

- **5.50 days** to process your Housing or Council Tax Benefit claims
- **90%** of invoices received by us are paid within 10 days
- An estimated **43%** of all waste collected was recycled in January
- The latest exhibition at Thelma Hulbert Gallery showcasing the work of 38 South West Academy Artists has seen more than 1,000 people through the door and generated in excess of £4,400 in sales.

Latest headlines:

- Another Box Office record has been broken at the Manor Pavilion Theatre. All performances for Sidmouth Youth Theatre production of West Side Story were sold out a week before it even opened.
- South West Academy artist Robert Mountjoy has been working with the Thelma Hulbert Gallery education officer Anna Aroussi to run a series of workshops with more than 120 children from local schools Honiton, Awliscombe and Offwell Primary.
- Thelma Hulbert Gallery had a fantastic turn out when more than 30 members of the Memory Cafe joined Anna Aroussi and South West Academy artist Phil Creek for an oil pastel workshop at Honiton's Methodist Hall as part of our Outreach programme.

- Here's a snippet from the Thelma Hulbert Gallery visitors book in January. *“Long may this beautiful space continue. Such a fantastic facility for the town. Really important gallery for local artists and those who love art. An excellent gallery with a fine exhibition. Great to see such a prestigious exhibition at Thelma.”*
- Work has started on the Thelma Hulbert Gallery Gardens in preparation for planting as we embark on the first phase of the Garden regeneration project
- Estate walkabout carried out at Lee Close in Honiton
- The Designated Tenant Complaints Panel considered its third case, to which we are now responding
- Tenants Associations at Dray and Morgan Court in Exmouth, Tucker Court in Honiton and Lymebourne and Arcot Park in Sidmouth held their regular meetings with local district members and housing staff

Did you know?

- In its nationally recognised research with the Municipal Journal, Research Consultancy Local Futures scored East Devon top of all 325 districts in its Quality of life score. Quality of life score is made up of school results, levels of crime, health score, life expectancy and the natural environment